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11 *Attorneys for The Bank of New York Mellon fka
The Bank of New York, as Trustee for the
Certificateholders of CWMBS, Inc., CHL
Mortgage Pass-Through Trust 2005-9, Mortgage
Pass-Through Certificates, Series 2005-9*

12
13 **UNITED STATES DISTRICT COURT**
14
15 **DISTRICT OF NEVADA**

16 THE BANK OF NEW YORK MELLON FKA
17 THE BANK OF NEW YORK, AS TRUSTEE
18 FOR THE CERTIFICATEHOLDERS OF
19 CWMBS, INC., CHL MORTGAGE PASS-
20 THROUGH TRUST 2005-9, MORTGAGE
21 PASS THROUGH CERTIFICATES, SERIES
22 2005-9,

23 Plaintiff,

vs.

24 ALEXANDER RIVERA; MORTGAGE
25 ELECTRONIC REGISTRATION SYSTEMS,
26 INC.; PROPERTIES PLUS INVESTMENTS
27 LIMITED LIABILITY COMPANY; KIDS
28 NEED HELP, INC.; YANLING ZHANG; DOE
INDIVIDUALS I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No.: 2:17-cv-01091-RFB-CWH

**STIPULATION AND PROPOSED ORDER
TO LIFT STAY AND DISMISS THE
CASE**

1 Plaintiff The Bank of New York Mellon fka The Bank of New York, as Trustee for the
2 Certificateholders of CWMBS, Inc., CHL Mortgage Pass-Through Trust 2005-9, Mortgage Pass-
3 Through Certificates, Series 2005-9 (**BoNYM**) and defendant Yanling Zhang (**Zhang**), in response
4 to the Court's order dated March 23, 2018, 2017 (ECF No. 23), respectfully submit the following
5 stipulation and proposed order:

6 1. This case involves, among other things, competing claims to property following an
7 HOA foreclosure sale.

8 2. BoNYM and Zhang each filed a lawsuit concerning the same property; Defendant
9 Zhang in state court and BoNYM in this Court.

10 3. The Court stayed this federal action pending the answer to the certified question (ECF
11 No. 23).

12 4. The parties have subsequently settled their dispute and have dismissed the state court
13 action.

14 5. Therefore, the parties request the Court lift the stay and enter an order dismissing this
15 case, with all parties to bear their own fees and costs.
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1 6. All other parties have either been dismissed, defaulted, or never appeared.

2 DATED this 14th day of November, 2018.

3	AKERMAN LLP	MORRIS LAW CENTER
4	<u>/s/ Rex D. Garner, Esq.</u> 5 DARREN T. BRENNER, ESQ. 6 Nevada Bar No. 8386 7 REX D. GARNER, ESQ. 8 Nevada Bar No. 9401 9 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134 10 <i>Attorneys for The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders of CWMBS, Inc., CHL Mortgage Pass-Through Trust 2005-9, Mortgage Pass-Through Certificates, Series 2005-9</i>	<u>/s/ Sarah A. Morris, Esq.</u> SARAH A. MORRIS, ESQ. Nevada Bar No. 8461 BRIAN A. MORRIS, ESQ. Nevada Bar No. 11217 TIMOTHY A. WISEMAN, ESQ. Nevada Bar No. 13768 6085 W. Twain Avenue, Suite 201 Las Vegas, NV 89103 11 <i>Attorneys for Yanling Zhang</i>

12 **ORDER**

13 Based on the parties' stipulation above, IT IS SO ORDERED that this action be dismissed, all
14 parties to bear their own fees and costs.

15 
16 RICHARD F. BOULWARE, II
17 United States District Judge

18 DATED: November 26, 2018.